

DOCKET NO. 3:16-cr-00211-FDW-DCK

VS.

Defendant.

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Under 18 U.S.C. § 3143(b), the Court may order “release or detention pending appeal by the defendant” only if certain conditions are met, including a finding by the Court that the appeal is likely to result in “ (i) reversal, (ii) an order for a new trial, (iii) a sentence that does not include a term of imprisonment, or (iv) a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.” After reviewing Defendant’s arguments, as well as the record in this case, the Court disagrees with Defendant’s assertion that his appeal is likely to result in a sentence that does not include imprisonment, or a

reduced sentence to a term less than the time already served plus the expected duration of the appeal process. See 18 U.S.C. § 3143(b)(iii-iv). This Court's calculation of loss amount in fashioning Defendant's sentence is supported by the evidence and not clear error. See United States v. Dozie, 27 F.3d 95, 99 (4th Cir. 1994) (noting "the calculation of the loss is a finding of fact reviewable for clear error").

IT IS THEREFORE ORDERED that Defendant's Motions for Bond Pending Appeal (Docs. No. 27, 31) are DENIED.

IT IS SO ORDERED.

Signed: October 16, 2017

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

